

In the Indiana Supreme Court

IN THE MATTER OF)
REQUEST FOR APPROVAL)
OF AMENDED LOCAL RULES)
FOR COURTS OF RECORD IN)
CASS COUNTY INDIANA)

Case No.

NOTICE OF PROPOSED AMENDED CASELOAD ALLOCATION PLAN AND REQUEST FOR SUPREME COURT APPROVAL

The judges of the Cass County courts of record hereby withdraw their request for approval to re-adopt their current caseload allocation plan submitted on June 18, 2010, and give Notice of their proposed amendments to the caseload allocation plan at LR09-AR1-7 and repeal of the local rule on criminal and infraction case assignment at LR09-CR2.2-1. We request that the Supreme Court approve these amendments. New language is indicated by underlining and deleted language is indicated by ~~strike through~~.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on July 27, 2010, and close on August 30, 2010. The proposed amendments to the rule, subject to Supreme Court approval, will be effective on January 1, 2011.

Comments by the bar and the public should be made in writing and mailed to:

Rick Maughmer, Judge
Cass Superior Court 2
Courthouse, 200 Court Park,
Logansport, Indiana 46947

A paper copy of the proposed amended caseload allocation plan will be made available for viewing in the office of the Clerk of Cass County, Cass County Courthouse, 200 Court Park, Logansport, Indiana 46947, during normal business hours. Persons with Internet access may view the proposed amended local rule at the following website:

<http://www.in.gov/judiciary/cass/>

Leo T. Burns, Jr. Judge
Cass Circuit Court

Thomas C. Perrone Judge
Cass Superior Court 1

Rick Maughmer Judge
Cass Superior Court 2

LR09-AR1-7 Case Allocation Plan

Except as hereafter provided, All Class D felony cases shall be filed in Superior Court 1. All misdemeanors and infractions shall be filed in Superior Court 2. ~~Felony non support actions shall be filed in Cass Superior Court 1. All criminal and civil support actions shall be filed in Cass Circuit Court.~~ All other felonies shall be assigned randomly by Cass Superior Court 2, in equal numbers to Cass Circuit Court and Cass Superior Court 2. In cases involving multiple charges, the highest class of charge therein shall control case assignment in accordance with this rule. Cases involving multiple defendants shall be all filed in the same court randomly selected. A defendant having multiple independent criminal actions pending against him may have all criminal actions consolidated in one court per the discretion of the judiciary in this jurisdiction. Where multiple offenses are alleged, the highest class of criminal offense filed against an individual defendant shall control case assignment in accordance with this rule. Cases involving multiple defendants shall be filed in the same court pursuant to this rule for judicial economy.

Cases involving juvenile delinquencies, children in need of services, ~~child support enforcement~~, paternity, guardianships, and adoptions shall be filed in Circuit Court.

Small claims, independent protective order proceedings, and mental health cases shall be filed in Superior Court 1.

All other civil matters not specifically set out above shall be filed in the court requested by initiating counsel.

The sitting judges of this jurisdiction will meet on a regular basis to ensure equality of the judicial workload created by this rule.

~~LR09-CR2.2-1~~ Criminal and Infraction Case Assignment

~~All Class D felony cases shall be filed in Superior Court 1. All misdemeanors and infractions shall be filed in Superior Court 2. Felony non support actions shall be filed in Cass Superior Court 1. All other felonies shall be assigned randomly by Cass Superior Court 2, in equal numbers to Cass Circuit Court and Cass Superior Court 2. In cases involving multiple charges, the highest class of charge therein shall control case assignment in accordance with this rule. Cases involving multiple defendants shall be all filed in the same court randomly selected.~~